S.B.CRIMINAL MISC. BAIL APPLICATION NO.5655/2007

(Smt. Farzana vs. State of Rajasthan)

DATE OF ORDER : December 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Kalu Ram Bhati] for the petitioner.
Mr.V.S.Choudhary]

Mr.Ashok Upadhyaya, Public Prosecutor for State.

Mr.A.L.Dave,] for the first informant
Mr.Bharat Bhushan]

By an application being CR.L.M.A. No.1634/2007, the petitioner seeks to substitute the FIR No.120/2006 by 119/2006.

Having regard to the facts and circumstances of the case, the application is allowed. In the body of the bail application, the FIR No.120/2006 is substituted by FIR No.119/2006.

Heard learned counsel for the petitioner, Public Prosecutor for the State and the counsel appearing for the first informant. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioner

that originally the quarry was in the name of first informant. However, the first informant executed a power of attorney in favour of Abdul Ghani. There had been some settlement and the petitioner claims to be the daughter of Abdul Ghani. It is further contended by the learned counsel for the petitioner that if at all there is any allegation of forging the document, that is against Amzad Khan and Mehbood Khan. So far as petitioner Smt. Farzana is concerned, she has not forged any document.

I have gone through the affidavit filed by the petitioner. It appears that a stamp was purchased by Amzad Khan and got it executed. In the affidavit, the fact stated is only for transfer of the quarry and claiming to be of same category. So far as Amzad Khan is concerned, his specimen of signature was taken and sent for FSL to be examined by the handwriting experts and found to be dissimilar to that of admitted signature.

It is contended by the learned counsel for the petitioner that Amzad Khan has been arrested and has been released on bail. So far as petitioner is concerned, no roll has been played by her in getting the document forged and if at all there is any allegation of forging the document, that is against Amzad Khan and Mehbood Khan. There had been a civil suit by the petitioner with regard to the quarry, which according to the learned

counsel for the petitioner came to be dismissed in default.

Be that as it may, without commenting on the merit of the case having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Smt. Farzana w/o Amzad Khan in FIR No.119/2006, Police Station, Udaimandir, Distt. Jodhpur, she shall be released on bail for a period till the police concludes the investigation and files the challan provided she furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-